

## CHAPTER 59

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**WATER AND IRRIGATION**

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## SENATE BILL 22-030

BY SENATOR(S) Donovan and Sonnenberg, Bridges, Coram, Jaquez Lewis, Buckner, Cooke, Gardner, Gonzales, Hisey, Kirkmeyer, Lee, Lundeen, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood, Story, Winter, Woodward;  
also REPRESENTATIVE(S) McLachlan and Catlin, McCormick, McKean, Roberts, Amabile, Benavidez, Bernett, Bird, Cutter, Duran, Esgar, Exum, Geitner, Gonzales-Gutierrez, Gray, Hooton, Jodeh, Lindsay, Lontine, Lynch, McCluskie, Ortiz, Pelton, Pico, Ricks, Valdez D., Will, Woodrow, Woog, Young.

## AN ACT

**CONCERNING THE EXPANSION OF THE WATER RESOURCES REVIEW COMMITTEE TO THE WATER RESOURCES AND AGRICULTURE REVIEW COMMITTEE.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **amend** 37-98-101 as follows:

**37-98-101. Legislative declaration.** (1) The general assembly finds, determines, and declares that the purpose of this ~~article~~ **ARTICLE 98** is to provide an interim committee as a forum through which the general assembly shall review:

(a) The statewide planning, administration, and monitoring of Colorado's water resources; AND

(b) COLORADO AGRICULTURE ISSUES.

(2) The general assembly recognizes its mandate to vigorously protect and defend Colorado's finite supply of water. The general assembly further recognizes the need to ensure that water issues receive sufficient legislative scrutiny and public input:

(a) To maximize the benefit derived from Colorado's surface water and groundwater resources;

(b) To evaluate the present and future water needs of the state;

(c) To ensure effective water rights administration;

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(d) To protect water quality and water quantity;

(e) To ensure that Colorado's interstate water compact agreements are met and, in relation ~~thereto~~ TO THE AGREEMENTS, that Colorado's water resources are protected against unwarranted claims; and

(f) To continue the studies of the special water committee pursuant to Senate Bill 96-074.

(3) THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT:

(a) AGRICULTURE IS ONE OF THE LARGEST AND MOST SIGNIFICANT ECONOMIC SECTORS IN COLORADO;

(b) COLORADO'S AGRICULTURAL PRODUCERS AND WORKERS ARE OFTEN STEWARDS OF COLORADO'S SURFACE AND GROUNDWATER RESOURCES;

(c) COLORADO'S AGRICULTURAL SECTOR IS A LEADER IN WATER EFFICIENCY AND CONSERVATION PRACTICES;

(d) AGRICULTURE AND WATER RESOURCES ISSUES ARE OFTEN CLOSELY INTERTWINED WITH ONE ANOTHER; AND

(e) EXPANDING THE SCOPE OF THE COMMITTEE TO INCLUDE AGRICULTURE WOULD BE BENEFICIAL TO THE COMMITTEE'S STUDIES AND SUPPORT THE COMMITTEE'S EFFORTS IN PROTECTING AND DEFENDING COLORADO'S WATER SUPPLY.

**SECTION 2.** In Colorado Revised Statutes, 37-98-102, **amend** (1)(a)(I) as follows:

**37-98-102. Water resources and agriculture review committee - creation.**

(1) (a) (I) For the purposes of contributing to and monitoring the conservation, use, development, and financing of the water resources of Colorado for the general welfare of its inhabitants; IDENTIFYING, MONITORING, AND ADDRESSING COLORADO AGRICULTURE ISSUES; and ~~to review and propose~~ REVIEWING AND PROPOSING water resources AND AGRICULTURE legislation, there is hereby created the water resources AND AGRICULTURE review committee, referred to in this article 98 as the "committee". The committee shall meet at the call of the chair as often as six times during even-numbered years and eight times during odd-numbered years to review and to propose water resources AND AGRICULTURE legislation and RELATED matters. ~~relating thereto~~. No more than two of such meetings may occur while the general assembly is in session. In connection with such review, the committee may take up to two field trips per year in connection with its mandate and shall consult with experts in the field of water conservation, quality, use, finance, and development AND THE FIELD OF AGRICULTURE. The department of natural resources, the state engineer, THE DEPARTMENT OF AGRICULTURE, and the attorney general, together with the members and staff of the Colorado water conservation board, the Colorado water resources and power development authority, the water quality control commission, the department of public health and environment, ~~the department of agriculture~~, and the great outdoors Colorado program, shall cooperate with the

committee and with any persons assisting the committee in pursuing its responsibilities pursuant to this section. Further, the committee may utilize the legislative council staff to assist its members in researching any matters.

**SECTION 3.** In Colorado Revised Statutes, 23-20-141, **amend** (1)(c) as follows:

**23-20-141. Emerging technologies for water management - study - report - legislative declaration - repeal.** (1) (c) On or before July 15, 2022, and upon request of the water resources AND AGRICULTURE review committee of the general assembly in any year thereafter, the universities shall provide live testimony and a written report on the progress of the feasibility studies and pilot deployments conducted pursuant to this subsection (1), including any conclusions regarding the potential of these technologies to improve Colorado water management and any recommendations for administrative or legislative action to promote their use, to the water resources AND AGRICULTURE review committee.

**SECTION 4.** In Colorado Revised Statutes, 25-8-205.3, **amend** (2)(f) introductory portion as follows:

**25-8-205.3. Exemption from control regulations for graywater research - definition.** (2) A person collecting, treating, or using graywater pursuant to this section:

(f) On an annual basis, shall report to the water resources AND AGRICULTURE review committee, created in section 37-98-102, the results of periodic monitoring of the project conducted to assess:

**SECTION 5.** In Colorado Revised Statutes, 37-60-106.3, **amend** (3)(b) and (4) as follows:

**37-60-106.3. State water plan - legislative declaration - grant program.** (3) **Development of plan.** In exercising its authority pursuant to this section, the board shall:

(b) Notify the water resources AND AGRICULTURE review committee created in section 37-98-102 of any proposed significant amendments to the plan, as determined by the board, by June 1 of any year in which the amendment is proposed to be adopted; present the proposed amendment to the committee by August 1 of that year; and consider the committee's feedback submitted pursuant to section 37-98-103 (6)(c) by November 1 of that year.

(4) **Legislation.** By November 1 of each year following the submission to the water resources AND AGRICULTURE review committee of a state water plan or amendment pursuant to this section, any member of the general assembly may make a request in writing to the chairperson of the water resources AND AGRICULTURE review committee that the committee hold one or more hearings to review the plan or amendment as submitted to the water resources AND AGRICULTURE review committee. Upon receipt of the request, the chairperson of the committee shall promptly schedule a hearing to conduct the review and provide adequate notice to the public and the board. The committee, after holding a public hearing, may recommend the introduction of a bill or bills based on the results of the review. A

bill recommended by the committee for consideration under this subsection (4) does not count against the number of bills to which either the committee or the members of the general assembly are limited by law or joint rule of the senate and the house of representatives, and a hearing held by the committee pursuant to this subsection (4) does not count against the number of meetings allowed by section 37-98-102 (1)(a).

**SECTION 6.** In Colorado Revised Statutes, 37-60-115, **amend** (6)(d), (8)(i), and (10)(f) as follows:

**37-60-115. Water studies - rules - repeal. (6) Precipitation harvesting pilot projects.** (d) Each sponsor shall submit an annual preliminary report to the board and the state engineer summarizing the information set forth in ~~paragraph (a) of this subsection (6)~~ **SUBSECTION (6)(a) OF THIS SECTION.** The board and the state engineer shall brief the water resources AND AGRICULTURE review committee created in section 37-98-102 on the reported results of the pilot projects by July 1, 2014. Each sponsor shall submit a final report to the board and the state engineer by January 15, 2025. The board and the state engineer shall provide a final briefing to the water resources AND AGRICULTURE review committee by July 1, 2025.

**(8) Fallowing and leasing pilot projects.** (i) The board, in consultation with the state engineer, shall annually report to the water resources AND AGRICULTURE review committee, created in section 37-98-102, or its successor committee, on the reported results of the pilot projects. The board, in consultation with the state engineer, shall provide a final report to the water resources AND AGRICULTURE review committee, or its successor committee, by July 1, 2034, or the year in which the final pilot project is completed, if before 2034.

**(10) High groundwater administration and management pilot projects - report - repeal.** (f) The board, in consultation with the state engineer, shall annually report to the water resources AND AGRICULTURE review committee, created in section 37-98-102, or its successor committee, on the reported results of the pilot projects. The board, in consultation with the state engineer, shall provide a final report to the water resources AND AGRICULTURE review committee or its successor committee by September 1, 2021.

**SECTION 7. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 30, 2022